

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In Re:

NICOLINE KRISTINE JARAMILLO

Debtor.

CASE NO.: 19-10400-BFK
CHAPTER 13

**OBJECTION TO CONFIRMATION (CHAPTER 13)
AND NOTICE OF OBJECTION AND HEARING**

TO THE HONORABLE JUDGE BRIAN F. KENNEY:

Ally Bank, by and through its servicer Ally Servicing LLC (“Ally”), a secured creditor of the Debtor(s), by counsel, respectfully objects to the Debtor(s) Chapter 13 plan with regard to the 2017 Fiat 500C, VIN 3C3CFFLR4HT570806, on the following grounds, to wit:

1. The Debtor filed for relief pursuant to Chapter 13 on February 6, 2019 and subsequently filed a Chapter 13 Plan (the “Plan”).
2. Thomas P. Gorman was appointed Chapter 13 Trustee.
3. That the indebtedness due Ally was incurred by the debtors within 910 days prior to the filing of the Debtors petition herein and, as hereinabove alleged is secured by a purchase money security interest in the aforesaid vehicle which, upon information and belief, was acquired for the personal use of the Debtor.

Carl A. Eason, Esquire
Counsel for Ally
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
bankruptcy@wolriv.com
(757) 497-6633
VSB #18636

4. That the balance due Ally is \$16,773.61 as provided in the Proof of Claim filed on or about March 1, 2019; the plan should pay this amount as the fully secured claim.

5. That the Plan does not provide for interest whatsoever to be paid on Ally's secured claim; interest should be in accordance with that allowed by Till v. SCS Credit Corp., 541 U.S. 465 (2004), a minimum of 8.5%.

6. Ally has been unable to verify that insurance is currently being maintained on the vehicle involved herein.

WHEREFORE, Ally objects to the Chapter 13 plan and moves this Court to deny confirmation of the same.

ALLY BANK
BY AND THROUGH ITS SERVICER
ALLY SERVICING LLC

By: /s/ Carl A. Eason
Of Counsel

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re:

NICOLINE KRISTINE JARAMILLO
(SSN -1025)

Debtor,

CASE NO.: 19-10400-BFK
CHAPTER 13

1607 Anderson Road
McLean, VA 22102

NOTICE OF OBJECTION AND HEARING

Ally Bank, by and through its servicer Ally Servicing LLC has filed papers with the Court objecting to your Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny confirmation of your plan, or if you want the court to consider your views on the objection, you or your attorney must:

- ☒ Send to the parties listed below at least 14 days written notice of a hearing, which may be set on any regularly-scheduled objection day of the judge assigned in the case. If necessary, you may obtain a list of such dates from the court's website at www.vaeb.uscourts.gov under the link for "Calendars." The original notice must be filed with the clerk. If you are not represented by an attorney, you may instead file with the clerk a written request for hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. The address of the clerk's office is as follows:

Clerk of Court
United States Bankruptcy Court
200 S. Washington Street
Alexandria, VA 22314

You will be notified by the clerk of the hearing date and will be responsible for sending notice of hearing to the parties listed below.

- ☒ File with the court, at the address shown above, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the court may deem any opposition waived, treat the**

motion/objection as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must **also** send a copy to the persons listed below.

- ☒ **Attend the hearing on the Objection scheduled to be held on April 18, 2019 at 1:30 p.m. at United States Bankruptcy Court, 200 South Washington Street, Courtroom I, 2nd Floor, Alexandria, VA 22314. If no timely response has been filed opposing the motion/objection, the court may grant the relief without holding a hearing.**

A copy of any written response must be sent to:

Carl A. Eason, Esquire
200 Bendix Road, Suite 300
Virginia Beach, VA 23452

Ashvin Pandurangi, Esquire
211 Park Ave.
Falls Church, VA 22046

Thomas P. Gorman, Trustee
300 N. Washington Street, Ste. 400
Alexandria, VA 22314

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: April 11, 2019

/s/ Carl A. Eason
Carl A. Eason, Esquire
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
(757) 497-6633
Virginia State Bar No. 18636
Counsel for Ally

CERTIFICATION OF SERVICE

I hereby certify that I have on this 11th day of April, 2019, mailed or hand-delivered or electronically sent a true copy of the foregoing Notice of Objection and Hearing to the parties listed on the attached service list.

Ashvin Pandurangi, Esquire
Counsel for Debtor
211 Park Ave.
Falls Church, VA 22046

Thomas P. Gorman, Trustee
300 N. Washington Street, Ste. 400
Alexandria, VA 22314

Nicoline Kristine Jaramillo
1607 Anderson Road
McLean, VA 22102

/s/ Carl A. Eason